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Pro-se and on behalf of the Class

OFFICE OF THE ATTORNEY GENERAL
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

REINALDO AGUIAR, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

TRAVIS KALANICK, an individual residing in New York City, NY and Los Angeles, CA.
WEBMD, a private company owned by KKR & Co. Inc.
KKR & Co. Inc., a public company traded on the New York Stock Exchange
DEFINITIVE HEALTHCARE CORP., a Delaware Corporation
DEFINITIVE HEALTHCARE HOLDINGS, LLC, a Delaware Limited Liability Company
Defendants.

Plaintiff Reinaldo Aguiar, individually and on behalf of all persons similarly situated, alleges the following:

1. Plaintiff Reinaldo Aguiar (“Plaintiff”) brings this action on his own behalf and as a class action for the benefit of a Class consisting of Relatives and Friends of Co-founders, Employees, Contractors and Collaborators of Key Opinion Leaders LLC, whose electronic communications and whereabouts were unwillingly intercepted, accessed, monitored, and/or transmitted by Defendants, and were not acting as agents of the Defendants.
2. Upon information and belief, the Defendants operate a network of Public and Private companies that: i) Have access to combined assets exceeding 110 Billion US dollars; ii) Have access to hundreds of world-class attorneys; and iii) As alleged, employ the services of Foreign Intelligence Services and have access to Foreign Government Officials.
3. Considering the disparity of resources and access to legal expertise between the Plaintiff and Defendants, Plaintiff respectfully submits to your office that the Country, the great State of Texas, the Public and the Class would be better served if this class action was brought forward by the Office of the Attorney General of Texas than if brought forward privately by Plaintiff.
4. Plaintiff and the Class seek protective measures to protect Plaintiff and members of the Class against continued harassment and threats of violence by Defendants and their agents.
5. Plaintiff and the Class seek injunctive relief and damages caused by Defendants’ unlawful invasion of privacy and interception of private conversations, electronic communications, audio, images, trade secrets, medical records, insurance records, banking statements, banking transactions, mortgage applications, credit applications, securities transactions in violation of the Federal Wiretap Act as amended by the Electronic Communications Privacy Act (the “ECPA”), the Texas Data Privacy and Security Act (TDPSA), the Federal Stored Communication Act (the “SCA”), the Texas Unfair Competition statutes, the Computer Fraud and Abuse Act (the “CFAA”), the Economic Espionage Act (the “EEA”), the Health Insurance Portability, Accountability Act (the “HIPAA”), the Gramm-Leach-Bliley Act’s (the “GLBA”) and common law invasion of privacy.

6. Plaintiff is one of the co-founders of Key Opinion Leaders LLC and a former employee of Google Inc., specializing in *Search Ranking Algorithms*. Plaintiff is also an inventor as defined by the US Patents Office (the “USPO”), and named as the sole inventor in two patents owned by Google Inc.
7. Key Opinion Leaders LLC operates the website www.keyopinionleaders.com that was designed to provide the Public with algorithmically ranked lists of Medical Experts, free of charge. The website was designed to help accelerate medical advancements within the medical research community, completely free of charge.
8. WebMD and Definitive Healthcare provide content and/or services that compete for placement within Google Search Results Pages (“SRPs”) with the website www.keyopinionleaders.com operated by Key Opinion Leaders LLC from Katy, Fort-Bend county, Texas.
9. Upon information and belief, WebMD generates “Online Advertisement” revenue in excess of USD 3,000,000,000 per year. This Online Advertisement revenue is largely derived from Ads targeting visitors looking for Medical Information and dependent on WebMD receiving organic traffic, or visitors referred by Google Search Results Pages (“SRPs”) and other search engines.
10. Upon information and belief, Mr. Travis Kalanick served as the Chief Executive Officer of Uber (NYSE: UBER) during the time the company was accused of widespread practices of sexual harassment, hostile work environment, and more relevant to this class action, illegal spying and sabotage of competitors.
11. Upon information and belief, it is of public knowledge that during his tenure as Uber’s CEO, between the years 2014 and 2016, Mr. Travis Kalanick personally ran the Uber’s Competitive Intelligence, or “COIN” group. Within the COIN group, Mr. Travis Kalanick developed and managed a software platform, codenamed “HELL”, that was considered “top secret” within the company. The platform “HELL” allowed Mr. Kalanick and a small group of direct reports to personally track in real-time the location of most of Lyft drivers on the cities where Lyft was competing against Uber on customers and drivers’ acquisition.

12. Upon information and belief, it is of public knowledge that during meetings with the small group of people involved in the development and operation of the software platform “HELL”, Mr. Kalanick often praised the team for the work they were doing and how well it fit into Uber’s culture of “hustle” in order to win.
13. Upon information and belief, on or around June 2017, as a result of the illegal spying allegations, Mr. Travis Kalanick resigned from his position as Uber’s Chief Executive Officer but stayed engaged with Uber in a professional capacity serving on Uber’s Board of Directors until December 2019 when he resigned from this position due to pressure from investors. The day of the separation of Mr. Kalanick from Uber’s board, the stock price of Uber closed at USD 29.76 compared to the USD 45.00 IPO price. Many Americans suffered financial losses as a result of Mr. Kalanick’s actions.
14. Upon information and belief, while serving on Uber’s Board of Directors, Mr. Travis Kalanick also served on the Board of Directors of at least three other companies: Kareo, Inc., City Storage Systems LLC and StyleSeat Inc.
15. Upon information and belief, WebMD, once a public company, was taken private by KKR & Co. Inc., an investment management company that trades on the New York Stock Exchange (NYSE: KKR). This transaction took place on July 2017, less than a month after Mr. Kalanick’s resigned as Uber’s CEO.
16. Upon information and belief, Mr. Travis Kalanick served as a Director at Kareo, Inc. Kareo Inc was a company in the Health-tech space that was acquired by WebMD on a private transaction after Mr. Travis Kalanick resigned from his position on Uber’s Board of Directors.
17. Upon information and belief, after Kareo, Inc.’s acquisition by WebMD, Mr. Travis Kalanick became a key player in the finances, operations and decision-making at WebMD, but that material information was never disclosed by KKR & Co. to the public, nor filled with the Securities and Exchange Commission.
18. Upon Information and belief, Mr. Travis Kalanick served as a Director at City Storage Systems LLC. City Storage Systems LLC is a company that focuses on utilizing third-party vehicles and real estate assets like apartments, houses and parking lots to provide storage and supply chain and distribution logistics for delivery of packages to businesses and residential areas. City Storage Systems LLC’ operational/business

shared-economy model and technology resembles that of Uber but instead of routing drivers to transport passengers, they route drivers to store and transport “objects”.

19. Seeking to: i) steal trade secrets from Key Opinion Leaders; and ii) gather information Defendants needed to perform “cyber attacks” targeting Google’s infrastructure but aimed to demote the prominence of the website www.keyopinionleaders.com on Google Search Result pages, Defendants hired Foreign Intelligence Services to install and operate illegal listening devices and spyware in the residences, vehicles and personal items property of the Plaintiff and some of the members of the Class.
20. Seeking to: i) steal trade secrets from Key Opinion Leaders; and ii) gather information Defendants needed to perform “cyber attacks” targeting Google’s infrastructure but aimed to demote the prominence of the website www.keyopinionleaders.com on Google Search Result pages, Defendants hired Foreign Intelligence Services to install and operate illegal GPS/GNSS Receivers on vehicles owned by the Plaintiff and some of the members of the Class, to continuously track the location, direction and speed of travel of Plaintiff and some of the members of the Class.
21. Upon information and belief, using a Logistics' Software System (“LSS”) with characteristics that resemble a combination of Uber’s vehicle/pedestrian routing technologies and Uber’s top-secret project codenamed “HELL”, Defendants routed thousands of unregistered foreign agents (in violation of the Foreign Agent Registration Act) and thousands of vehicles transporting devices and software designed and configured to achieve five goals: i) Update the Logistics Software System with the location, direction and speed of travel of Plaintiff and some of the members of the Class every 30 seconds or less; ii) Plan for the interception of Plaintiff and members of the Class by an agent of Defendants at traffic intersections like traffic lights or stop signs; iii) On successful interceptions of Plaintiff or Class members by an agent of Defendants, when Plaintiff and/or members of the Class were completely stopped: “Clone” their cellphone and/or download data recorded, stored and transmitted by illegal surveillance devices installed by agents of Defendants on the vehicles and/or personal items of Plaintiff and members of the Class; iv) Maintain Plaintiff under constant around-the-clock visual and electronic surveillance; and v) Harass and intimidate Plaintiff to prevent Plaintiff from contacting federal authorities.

22. Upon information and belief, using their Logistics' Software System (“LSS”) , Defendants coordinated groups of foreign agents participating in the scheme to act together and perform overt acts together as a group. These overt acts had, as ultimate goal, to make possible the interception of private conversations, electronic communications and network traffic of the Plaintiff and members of the Class at traffic intersections.
23. Upon observation, information and belief, Defendants continuously repeated this process thousands of times using the Logistics' Software System (“LSS”), the Illegal Surveillance Devices and Software, Radio Frequency (RF) interception hardware/software, and Foreign Intelligence Agents, during years 2023 and 2024 .
24. Upon information and belief, Defendants intercepted, decrypted and accessed electronic communications between: i) Plaintiff or members of the Class; and ii) Servers and Network devices operated by Meta (formerly known as Facebook), Google, Whatsapp, Instagram, Amazon and Akamai. These electronic communications contained segments of private conversations carried out in person by Plaintiff or members of the Class with third parties in their homes and places of business/employment.
25. Upon information and belief, Defendants and/or their agents purchased and/or leased real estate properties neighboring the residences of Plaintiff and members of the Class with the purpose of installing electronic equipment to conduct visual and electronic surveillance on Plaintiff and members of the Class.
26. Upon information and belief, Defendants and/or their agents acquired or leased real estate properties neighboring the residences of Plaintiff and members of the Class with the purpose of installing electronic and network equipment to intercept, decrypt and gain unauthorized access to electronic communications, computer/network traffic and trade secrets belonging to Plaintiff and members of the Class.
27. Upon information and belief, Defendants co-conspired with International Aviation LLC, Mr. Donald W. Delahanty Jr. and other unnamed airmen licensed by the Federal Aviation Administration (the “FAA”), to operate multiple aircraft with the purpose of conducting illegal surveillance on vehicles driven by Plaintiff and members of the Class.

28. Upon information and belief, Defendants co-conspired with International Aviation LLC, Mr. Donald W. Delahanty Jr. and other unnamed airmen licensed by the Federal Aviation Administration (the “FAA”), to operate multiple aircraft at less than 250 feet ground distance from the residences of Plaintiff and members of the Class, with the purpose of intercepting and decrypting the up-link network traffic transmitted by network devices operated by Plaintiff and Class members to Starlink low-orbit satellites and Cellular Networks’ operators like AT&T, T-Mobile, Comcast, Fido, Telus, Google-Fi among others.
29. Upon information and belief, Defendants co-conspired with International Aviation LLC, Mr. Donald W. Delahanty Jr. and other unnamed airmen licensed by the Federal Aviation Administration (the “FAA”), to operate multiple aircraft, in occasions simultaneously, at less than 500 feet ground distance from Plaintiff, with the purpose of intimidating Plaintiff to preclude Plaintiff from contacting federal authorities to seek protection on his own behalf and on behalf of members of the Class.
30. Upon information and belief, Defendants and/or their agents offered bribes and favors to friends, employees, contractors of the Plaintiff or members of the Class in exchange for information about the whereabouts, access to IP addresses information, personal/business/operational plans, schedules and financial transactions of Plaintiff or members of the Class.
31. Upon information and belief, Defendants and/or their agents offered bribes and favors to friends, employees, contractors of the Plaintiff or members of the Class in exchange for physical access to the places of residence and business of Plaintiff and members of the Class in order to install illegal surveillance devices in said premises.
32. Upon information and belief, Defendants and/or their agents offered bribes and favors to employees and officers of third-party companies that did business with Plaintiff and members of the Class, in exchange for information about the whereabouts, access to IP addresses information, personal/business/operational plans, schedules and financial transactions of Plaintiff or members of the Class.
33. Upon information and belief, Defendants and/or their agents unlawfully gained access to Medical, Insurance and Prescription records of Plaintiff and some of the members of the Class, in violation of the Health Insurance Portability and Accountability Act (HIPAA).

34. Upon information and belief, Defendants and/or their agents unlawfully gained access to banking statements, banking transactions, mortgage applications, credit applications, securities transactions and records of Plaintiff and some of the members of the Class, the Gramm-Leach-Bliley Act's (the "GLBA").
35. Defendants and/or agents of the Defendants threatened the Plaintiff with the use of physical violence, force and death, to intimidate Plaintiff and prevent Plaintiff from contacting federal authorities and/or seeking protection on his own behalf and on behalf of members of the Class.
36. Defendants and/or agents of the Defendants committed dozens of covert acts that can only be categorized as tortious interference and harassment against Plaintiff and members of the Class.
37. Upon information and belief, Defendants illegally intercepted and decrypted electronic communications between Plaintiff or members of the Class and the following Texas authorities or agencies: i) The Texas Office of the Attorney General; ii) The Fort-Bend Police Department; iii) The Fulshear Police department, iv) The Texas Department of Insurance, among others.
38. Upon information and belief, Defendants illegally intercepted and decrypted electronic communications between Plaintiff or members of the Class and the following federal agencies: i) The Securities and Exchange Commission (the "**SEC**"); ii) The Internal Revenue Service (the "**IRS**"); iii) The Federal Communications Commission (the "**FCC**"); iv) The U.S. Food and Drug Administration (the "**FDA**"); v) The Centers for Disease Control and Prevention (the "**CDC**"), among others.
39. Key Opinion Leaders LLC published a small sample of the video recordings property of Key Opinion Leaders LLC where some of the alleged criminal acts can be observed. These videos are publicly accessible on this web address: <https://www.KeyOpinionLeaders.com/TRAVIS-videos> .

PRAYER FOR RELIEF

Plaintiff, on behalf of himself and the Class, prays for relief as follows:

- A. For the appointment of a public prosecutor or a state-appointed attorney to represent the Class in litigation;
- B. For a Temporary Restraining Order enjoining the Defendants and their agents from physically approaching, by air or ground, the Plaintiff and members of the Class, their places of residence, business and employment;
- C. For an order declaring that Defendants' acts and practices constitute violations of the ECPA;
- D. For an order declaring that Defendants' acts and practices constitute violations of the TDPSA;
- E. For an order declaring that Defendants' acts and practices constitute violations of the SCA;
- F. For an order declaring that Defendants' acts and practices constitute violations of the CFAA;
- G. For an order declaring that Defendants' acts and practices constitute violations of the EEA;
- H. For an order declaring that Defendants' acts and practices constitute violations of the FARA;
- I. For an order declaring that Defendants' acts and practices constitute violations of the HIPAA;
- J. For an order declaring that Defendants' acts and practices constitute violations of the GLBA;
- K. For a permanent injunction enjoining Defendant from continuing to harm Plaintiff and members of the Public, the Class, and violating Texas and federal law in the manners described above;
- L. For restitution;
- M. For actual and statutory damages pursuant to ECPA;
- N. For actual and statutory damages pursuant to EEA;
- O. For nominal, compensatory, and punitive damages where appropriate;
- P. For reasonable attorneys' fees and the costs of the suit, if any; and
- Q. For all such other relief as the Office of the Attorney General may deem just and proper and may be available at law or equity.

Dated: September 10, 2024

By: /s/ Reinaldo Aguiar

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